

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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LAMONT D. WALKER,

Plaintiff,

v.

DAVID GARDNER and CHRISTA MORRISON,

Defendants.

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ORDER

17-cv-432-jdp

Plaintiff Lamont Walker, a former state prisoner, brought this lawsuit alleging that prison officials violated his rights by refusing to transfer him to a lower security prison to obtain programming. I dismissed the case for Walker's failure to state a claim upon which relief could be granted: he did not have due process rights to rehabilitative or educational programming, or to be placed in a particular facility or security status, and he was not alleging substandard conditions in his cell that might support an Eighth Amendment claim. *See* Dkt. 12.

Walker has filed a motion for reconsideration of that decision, Dkt. 14, which I will construe as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e). He says that he did state a claim upon which relief can be granted, but he does not attempt to explain why the legal reasoning in the dismissal order was incorrect; rather, he says that he stated a claim by alleging that his Eighth and Fourteenth Amendment rights were violated.

Walker misunderstands what it means to "state a claim" under the federal rules. I agree that he *alleges* that his rights were violated, but the important question is whether the facts that he alleges are sufficient to show a violation of his rights. My analysis of Eighth and Fourteenth

Amendment case law makes clear that the type of deprivation he asserts here—being kept in a maximum security where he could not obtain programming—does not violate the Constitution.

Walker also asks for leave to file supplemental allegations under Federal Rule of Civil Procedure 15(d), but he does not explain what those allegations are, nor is it clear how Walker could amend his complaint about his programming to include valid claims under 42 U.S.C. § 1983, so I will deny his motion and this case will remain closed.

#### ORDER

IT IS ORDERED that plaintiff Lamont Walker's motion to alter or amend judgment, Dkt. 14, is DENIED.

Entered April 24, 2018.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge